



PRELIMINARY DRAFT
No. 3442

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 35-50-6-3.3.

Synopsis: Credit time. Requires that credit time earned by certain offenders shall be reduced to the extent that application of the credit time would result in postconviction release or a community transition program assignment in less than 45 days after the person earns the credit time.

Effective: July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-50-6-3.3, AS AMENDED BY P.L.228-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

- (1) is in credit Class I;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (n), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(D) A bachelor's degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life



1 skills program approved by the department of correction.

2 (D) A certificate of completion of a reformatory program
3 approved by the department of correction.

4 (c) The department of correction shall establish admissions criteria
5 and other requirements for programs available for earning credit time
6 under subsection (b). A person may not earn credit time under both
7 subsections (a) and (b) for the same program of study.

8 (d) The amount of credit time a person may earn under this section
9 is the following:

10 (1) Six (6) months for completion of a state of Indiana general
11 educational development (GED) diploma under IC 20-20-6
12 (before its repeal) or IC 22-4.1-18.

13 (2) One (1) year for graduation from high school.

14 (3) One (1) year for completion of an associate's degree.

15 (4) Two (2) years for completion of a bachelor's degree.

16 (5) Not more than a total of six (6) months of credit, as
17 determined by the department of correction, for the completion of
18 one (1) or more career and technical education programs
19 approved by the department of correction.

20 (6) Not more than a total of six (6) months of credit, as
21 determined by the department of correction, for the completion of
22 one (1) or more substance abuse programs approved by the
23 department of correction.

24 (7) Not more than a total of six (6) months credit, as determined
25 by the department of correction, for the completion of one (1) or
26 more literacy and basic life skills programs approved by the
27 department of correction.

28 (8) Not more than a total of six (6) months credit time, as
29 determined by the department of correction, for completion of one
30 (1) or more reformatory programs approved by the department of
31 correction. However, a person who is serving a sentence for an
32 offense listed under IC 11-8-8-4.5 may not earn credit time under
33 this subdivision.

34 However, a person who does not have a substance abuse problem that
35 qualifies the person to earn credit in a substance abuse program may
36 earn not more than a total of twelve (12) months of credit, as
37 determined by the department of correction, for the completion of one
38 (1) or more career and technical education programs approved by the
39 department of correction. If a person earns more than six (6) months of
40 credit for the completion of one (1) or more career and technical
41 education programs, the person is ineligible to earn credit for the
42 completion of one (1) or more substance abuse programs.

43 (e) Credit time earned by a person under this section is subtracted
44 from the release date that would otherwise apply to the person after
45 subtracting all other credit time earned by the person.

46 (f) A person does not earn credit time under subsection (a) unless



the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) **The amount of Credit time earned under this section is by an offender serving a sentence for a felony against a person under IC 35-42 or for a crime listed in IC 11-8-8-5 shall be** reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of



correction may approve guidelines for proper sequence of education degrees under subsection (d).

(l) A person may not earn credit time:

(1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or

(2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(m) A person may not earn credit time under this section if the person:

(1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and

(2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(n) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

